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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,495	09/15/2003	Gregory C. Kime	42P16735	2438

8791 7590 08/16/2006

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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,495	Applicant(s) KIME ET AL.	
	Examiner Minh Dieu Nguyen	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/21/05; 5/24/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication dated September 15, 2003.
2. Claims 1-19 are pending.

Information Disclosure Statement

3. The information disclosure statements filed March 21, 2005 and May 24, 2006 have been placed in the application file and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballai (7,068,999).

a) As to claims 1, 6 and 11, Ballai meets the claimed limitations as follows: "A method comprising: comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present" see col. 3, lines 32-67.

b) As to claims 2, 7 and 12, Ballai meets the claimed limitations as follows: "The method of claim 1, wherein comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present comprises: comparing at least a subset of information received in a security report from a legitimate access point with information previously stored to determine if a rogue access point is present" see col. 3, lines 13-17.

c) As to claims 3, 8, 13 and 19, Ballai meets the claimed limitations as follows: "The method of claim 1, wherein comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present comprises: comparing at least a subset of client network traffic received with information previously stored to determined if a rogue access point is present" see col. 3, lines 19-21.

d) As to claims 4, 9 and 14, Ballai meets the claimed limitations as follows: "The method of claim 1, further comprising: initiating countermeasures against rogue access points determined to be present" see col. 4, lines 28-31.

e) As to claims 5, 10 and 15, Ballai meets the claimed limitations as follows: "The method of claim 4, wherein initiating countermeasures against rogue access points determined to be present comprises: denying of service to

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rogue access points and/or clients connected to rogue access points determined to be present” see col. 4, lines 33-34.

f) As to claim 16, Ballai meets the claimed limitation as follows: “An apparatus comprising: a wireless access point configured to generate a security report containing at least a subset of information received from other access points” see col. 3, lines 18-32, lines 64-67.

g) As to claim 17, Ballai meets the claimed limitation as follows: “The apparatus of claim 16, wherein the wireless access point complies with the Institute of Electrical and Electronics Engineers, Inc. (IEEE) 802.11 specification” see col. 1, lines 8-11.

h) As to claim 18, Ballai meets the claimed limitations as follows: “The apparatus of claim 16, further comprising the wireless access point to transmit the security report to a networked device” see Fig. 1, elements 30 and 70.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


mdn
8/9/06


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SUPERVISORY PATENT EXAMINER